

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

CAPITOL RECORDS INC., a Delaware corporation; SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; ARISTA RECORDS LLC, a Delaware limited liability company; INTERSCOPE RECORDS, a California general partnership; WARNER BROS. RECORDS INC., a Delaware corporation; and UMG RECORDINGS, INC., a Delaware corporation,

Plaintiffs,

v.

Jammie Thomas,

Defendant.

Case No. 06-cv-1497 (MJD/RLE)

**DECLARATION OF
BRIAN N. TODER**

Brian N. Toder declares as follows:

1. I am counsel to defendant above-named, and this is my declaration.
2. This Declaration is offered in support of Defendant's Motion for New Trial, or in the Alternative, for Remittitur.
3. Attached hereto, and marked as Exhibit 1, is a true and correct copy of an Affidavit by Aram Sinnreich, a music industry analyst, Docket No. 37-3, in *UMG Recordings Inc. v. Lindor, E.D.N.Y., 05-cv-1095.*

I declare under penalty of perjury under the laws of the United States of America, particularly 28 U.S.C. § 1746, that the foregoing is true and correct and that this Declaration was executed on the 15th day of October, 2007 in Minneapolis, Minnesota.

Dated: October 15, 2007

s/ Brian N. Toder
Brian N. Toder, #17869X
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